

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EARL SPINKS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:14-cv-1348-SPM
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social Security,)	
)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on Acting Commissioner Carolyn W. Colvin's ("the Commissioner's") Motion to Reverse and Remand the case to the Commissioner for further administrative action pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). (Doc. 18). Plaintiff has filed a response stating that he has no objection to the motion. (Doc. 19). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c)(1). (Doc. 9).

On August 1, 2014, Plaintiff filed a Complaint seeking review of the Commissioner's decision that Plaintiff was not under a disability within the meaning of the Social Security Act. (Doc. 1). The Commissioner filed her answer and the transcript of the administrative proceedings on October 24, 2014. (Docs. 11, 12). Plaintiff filed a brief in support of the complaint on June 16, 2014. (Doc. 13).

On February 19, 2015, the Commissioner filed the instant motion to reverse and remand the case to the Commissioner for further action under sentence four of 42 U.S.C. § 405(g), which permits the Court "to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner, with or without remanding the cause

for a rehearing.” 42 U.S.C. § 405(g). The Commissioner represents in her motion that after review of the case, agency counsel requested that the Appeals Council of the Social Security Administration reconsider the Commissioner’s decision. The Commissioner states that “[u]pon receipt of the Court’s remand order, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) who will be directed to offer the claimant an opportunity for a hearing, and to obtain evidence from a vocational expert.”

Upon review of Plaintiff’s brief in support of his complaint, the ALJ’s decision, and the Commissioner’s motion, the Court agrees with the parties that this case should be reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

Accordingly,

IT IS HEREBY ORDERED that the Commissioner’s Motion to Reverse and Remand (Doc. 18) is **GRANTED**.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that decision of the Commissioner of Social Security is **REVERSED** and that this case is **REMANDED** under Sentence Four of 42 U.S.C. § 405(g) for reconsideration and further proceedings consistent with this opinion.

/s/Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 26th day of February, 2015.